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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/729,123

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Jens-Uwe Schlutten

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08/17/2007

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EXAMINER

PILLAI, NAMITHA

ART UNIT

PAPER NUMBER

2173

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/729,123

Applicant(s)

SCHLUETTER ET AL.

Examiner

Namitha Pillai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The Examiner acknowledges Applicant's submission on 6/13/07 including arguments against the current rejection. All pending claims have been rejected where the previous rejection has been maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 19-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Publication No. 2003/0004853 A1 (Ram et al.), herein referred to as Ram and U. S. Patent No. 5, 598, 183 (Robertson et al.), herein referred to as Robertson.

Referring to claim 19, Ram discloses a method for displaying a cursor on a graphical user interface (page 2, paragraph 18). Ram discloses receiving real time market data associated with a tradeable object being traded at an electronic exchange (Figure 3 and page 1, paragraph 1, lines 1-4). Ram also discloses that the tradeable object has an inside market comprising a highest bid price and a lowest ask price currently available for the tradeable object, as shown at the top of the user interface of Figure 3. Ram also discloses displaying a plurality of price levels arranged on the graphical user interface (Figure 3), wherein each of the plurality of price levels are based on current market data associated with the tradeable object (page 1, paragraph 1

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and page 9, paragraph 178, lines 4-8). Ram discloses that the areas including the list within the user interface are locations that can receive commands from a user input device (page 2, paragraphs 17 and 18). The user choosing a cell from the list indicates setting order price parameters for trade orders on the graphical user interface (Figure 3 and page 9, paragraph 170), where the cells being chosen at a price level indicates buying the tradeable object at that set order price parameter (reference number 200, Figure 3). The plurality of locations as stated earlier, at each moment in time, the location that is selectable corresponds to the price list of Figure 3. Ram discloses receiving new market data associated with the tradeable object (page 1, paragraph 1, lines 15-18). Ram discloses determining that a cursor of the user input device is positioned over one of the plurality of locations on the graphical user interface (page 2, paragraph 18), where the cell where the cursor has been placed corresponds with a price level. Ram discloses that the user interface is automatically updated when the new market data is updated in real time (page 2, paragraph 25, lines 5-9). The price levels are updated (page 9, paragraph 178, lines 4-6). Ram discloses by updating the plurality of price levels the price level in Figure 25 of price 56.79 does not correspond to the same location as when the updated display is shown in Figure 26, where the same price 56.79 has changed to a new location. Ram discloses receiving a command from the user input device that sets an order price parameter for a trade order based on the price level (page 1, paragraph 5, lines 11-16). Ram does not disclose determining if the user interface has changed, where if the cursor location does not correspond to a first location, automatically adjusting the cursor to correspond with the desired location.

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Robertson discloses based on a determination if the user interface has changed, automatic updating of a cursor position to ensure that the cursor is corresponding with the location that is desirable to the user (column 1, lines 43-57). It would have been obvious to one skilled in the art at the time of the invention to learn from Robertson to automatically reposition the cursor, so that in response to change in a user interface, the cursor remains corresponding with the location that is desired by the user. Ram has disclosed a plurality of price levels with selectable cells, where this plurality of price levels can vary at any one point in time. Furthermore, Ram has clearly disclosed an example of when one price level that is desired by a user, can move along the plurality of price levels and placed at a different location, as seen from the transition from Figure 25 to Figure 26. These scenarios show that cursor control is needed to ensure that the when the transition to Figure 26 from Figure 25 occurs, the user's choice and placement of cursor corresponds with the price desired. Therefore, one skilled in the art would have been motivated to learn from Robertson to automatically reposition the cursor, so that in response to change in a user interface, the cursor remains corresponding with the location that is desired by the user.

Referring to claims 20 and 37, Ram discloses displaying the plurality of locations for receiving commands from the user input device to send trade orders to the electronic exchange, such that selection of a location of the plurality of locations through an action of the user input device will both set an order price parameter and send a trade order to the electronic exchange (page 1, paragraph 5, lines 11-16).

Referring to claims 21 and 38, Ram discloses that the user input device is a mouse comprising a mouse button and the action is a single click of the mouse button (page 2, paragraph 18).

Referring to claims 22 and 39, Ram discloses that the user input device is a mouse comprising a mouse button and the action is more than one click of the mouse button (page 1, paragraph 5, lines 11-16).

Referring to claim 23, Ram discloses that displaying the plurality of price levels arranged on the graphical user interface comprises displaying only those price levels for which orders reside for the tradeable object at the electronic exchange (Figure 3).

Referring to claim 24, Ram discloses displaying price levels corresponding to orders to buy the tradeable object along a first column (reference number 200, Figure 3) and displaying price levels corresponding to orders to sell the tradeable object along a second column (reference number 305, Figure 3).

Referring to claim 25, Ram discloses displaying price levels corresponding to orders to buy and orders to sell the tradeable object along a single column (Figure 10), where the figure shows in one column price levels corresponding to orders to buy and orders to sell one tradable object (page 12, paragraph 214).

Referring to claim 26, Ram discloses displaying those price levels that correspond to the inside market at designated locations (Figure 3).

Referring to claim 27, Ram discloses displaying the plurality of price levels arranged on the graphical user interface comprises displaying price levels along a static price axis (page 14, paragraph 254, lines 8-10).

Referring to claim 28, Ram discloses displaying a best bid indicator that represents the current highest bid price for the tradeable object and displaying a best ask indicator that represents the current lowest ask price for the tradeable object (as shown at the top of Figure 3), wherein the best bid indicator and the best ask indicator can move relative to the static price axis when the inside market changes (page 14, paragraph 254, lines 8-10).

Referring to claim 29, Ram discloses automatically updating the display on the graphical user interface upon receipt of new market data comprises repositioning the static price axis on the graphical user interface based in part upon the receipt of new price data (page 14, paragraph 256).

Referring to claim 30, Ram discloses repositioning the static price axis occurs as a result of the market moving outside of a range of price levels (Figures 25 and 26).

Referring to claim 31, Ram discloses repositioning the static price axis so that the price levels corresponding to the inside market are moved to designated locations along the static price axis (Figures 25 and 26).

Referring to claim 32, Ram and Robertson disclose associating each of the plurality of locations with an (x,y) coordinate of a screen on which the graphical user interface is displayed (Robertson, reference number 102, Figure 4).

Referring to claim 33, Ram discloses displaying the plurality of price levels arranged on the graphical user interface comprises displaying the plurality of price levels that correspond to a last trade price for the tradeable object (page 3, paragraph 43).

Referring to claim 34, Ram discloses a method for displaying a cursor on a graphical user interface (page 2, paragraph 18). Ram discloses receiving real time market data associated with a tradeable object being traded at an electronic exchange (Figure 3 and page 1, paragraph 1, lines 1-4). Ram also discloses that the tradeable object has an inside market comprising a highest bid price and a lowest ask price currently available for the tradeable object, as shown at the top of the user interface of Figure 3. Ram also discloses displaying a plurality of price levels arranged on the graphical user interface (Figure 3), wherein each of the plurality of price levels are based on current market data associated with the tradeable object (page 1, paragraph 1 and page 9, paragraph 178, lines 4-8). Ram discloses that the areas including the list within the user interface are locations that can receive commands from a user input device (page 2, paragraphs 17 and 18). The user choosing a cell from the list indicates setting order price parameters for trade orders on the graphical user interface (Figure 3 and page 9, paragraph 170), where the cells being chosen at a price level indicates buying the tradeable object at that set order price parameter (reference number 200, Figure 3). The plurality of locations as stated earlier, at each moment in time, the location that is selectable corresponds to the price list of Figure 3. Ram discloses that when new market data is displayed, a command ensures that the data is repositioned the data being the plurality of price levels, which corresponds with the new market data (Figures 25, 26 and page 2, paragraph 25, lines 5-9). Ram discloses determining that a cursor of the user input device is positioned over one of the plurality of locations on the graphical user interface (page 2, paragraph 18), where the cell where the cursor has

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been place corresponds with a price level. Ram discloses automatically updating the display on the graphical user interface upon receipt of the command to reposition, where this command is based on the refresh command to accommodate the display of new market data (page 2, paragraph 25, lines 5-9). The automatic update of market data also includes updating the price levels (page 13, paragraph 254, lines 1-4). Ram discloses by updating the plurality of price levels the price level in Figure 25 of price 56.79 does not correspond to the same location as when the updated display is shown in Figure 26, where the same price 56.79 has changed to a new location. Ram discloses receiving a command from the user input device that sets an order price parameter for a trade order based on the price level (page 1, paragraph 5, lines 11-16). Ram does not disclose determining if the user interface has changed, where if the cursor location does not correspond to a first location, automatically adjusting the cursor to correspond with the desired location. Robertson discloses based on a determination if the user interface has changed, automatic updating of a cursor position to ensure that the cursor is corresponding with the location that is desirable to the user (column 1, lines 43-57). It would have been obvious to one skilled in the art at the time of the invention to learn from Robertson to automatically reposition the cursor, so that in response to change in a user interface, the cursor remains corresponding with the location that is desired by the user. Ram has disclosed a plurality of price levels with selectable cells, where this plurality of price levels can vary at any one point in time. Furthermore, Ram has clearly disclosed an example of when one price level that is desired by a user, can move along the plurality of price levels and placed at a different

location, as seen from the transition from Figure 25 to Figure 26. These scenarios show that cursor control is needed to ensure that when the transition to Figure 26 from Figure 25 occurs, the user's choice and placement of cursor corresponds with the price desired. Therefore, one skilled in the art would have been motivated to learn from Robertson to automatically reposition the cursor, so that in response to change in a user interface, the cursor remains corresponding with the location that is desired by the user.

Referring to claim 35, Ram discloses receiving a command from a user input device to reposition the plurality of price levels (page 13, paragraph 254, lines 6-8).

Referring to claim 36, Ram discloses an automatic repositioning command to reposition the plurality of price levels (page 13, paragraph 254, lines 2-4).

Referring to claim 40, Ram discloses displaying the plurality of price levels arranged on the graphical user interface comprises displaying price levels along a static price axis, such that indicators representing the inside market can move relative to the static price axis when the market changes (page 14, paragraph 255).

Response to Arguments

3. Applicant's arguments filed 6/13/07 have been fully considered but they are not persuasive.

Applicant has argued that the combination of Ram and Robertson is not proper. Ram has disclosed situations where the price levels displayed in the list can be automatically changed based on new market data. Ram has further described how a cursor can be placed on a desired price level, where these price levels clearly can

change when new market data arrives, thereby the price to which the cursor is currently pointing is changed and is not the desired price to which the cursor was placed when the user was making the selection before new market data arrived. Ram has clearly disclosed the purpose of selecting the desired correct price level along with describing a situation where the placement of the prices along the axis of Ram can change. The nature of the problem described in Ram along with Ram's purpose of correctly selecting a distinct price provides motivation for Ram to learn from Robertson to teach automatic placement of cursor based on desired information that is to be selected and in response to changes in the display. The placement of the cursor on a desired price indicates that the user is selecting the desired price and that the cursor position must be maintained in relation to the price in order for the user to correctly select the desired price.

Applicant has argued that Robertson does not disclose taking away cursor control from the user. The claims of the present invention disclose automatic placement of the cursor in response to updating of market data. Ram has disclosed a trading system with price level displayed for the user to select from and where the display can be updated along with the price levels in response to market data. Robertson has provided a solution of automatic placement of cursor in response to changes in a display, from which Ram can learn from in order to ensure that the price selected is the one that is desired by the user and is consistent even when price levels change. The automatic placement of the cursor in Robertson may be in response to a user command, where Ram also disclosed user commands as far as the initial placement of the cursor to a price desired. But Robertson has nonetheless taught how automatic

placement of cursor can occur in response to changes in a display from which Ram can benefit for ensuring accurate user selections.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action. Responses to this action should be submitted as per the options cited below: The United States Patent and Trademark Office requires most patent related correspondence to be: a) faxed to the Central Fax number (571-273-8300) b) hand carried or delivered to the Customer Service Window (located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), c) mailed to the mailing address set forth in 37 CFR 1.1 (e.g., P.O. Box 1450, Alexandria, VA 22313-1450), or d) transmitted to the Office using the Office's Electronic Filing System.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached on 8:30 AM - 5:30 PM.

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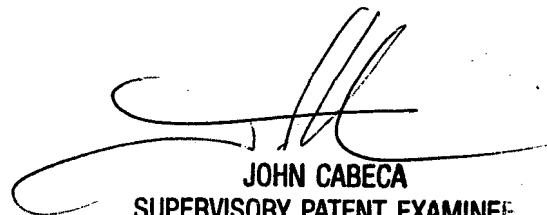
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Namitha Pillai
Assistant Examiner
Art Unit 2173
August 14, 2007



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